

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-2(c)

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SDP 5632**

In re:

BAV AUTO, L.L.C.
aka COSTA'S AUTO GALLERY

Debtor in Possession.

Chapter 11

Case No.: 22-17933 (JKS)

Recommended Local Form:

Followed

x Modified

**APPLICATION FOR RETENTION OF PROFESSIONAL, NUNC PRO TUNC TO THE
PETITION DATE, AND IN COMPLIANCE WITH D.N.J. LBR 2014-1(a)**

BAV Auto, L.L.C. aka Costa's Auto Gallery, the Debtor and Debtor-in-Possession herein, hereby applies to the Court for an Order authorizing the Debtor to retain and employ Steven D. Pertuz, Esq., as its Chapter 11 attorney in this case, nunc pro tunc, to the petition date.

1. The applicant, BAV Auto, L.L.C. aka Costa's Auto Gallery, is the Debtor.
2. The applicant seeks to retain the following professional, The Law Offices of Steven D. Pertuz, LLC, 111 Northfield Avenue, Suite 304, West Orange, NJ, to serve as the attorney for the Debtor-In-Possession in this case.
3. The employment of the professional is necessary pursuant to 11 U.S.C. §327 and §330 in a Chapter 11 proceeding. The Debtor is a used car auto dealership and wishes continue

to operate its business as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code or proceed to an orderly liquidation. It is reviewing all current viable options.

4. The proposed arrangement for compensation is based on an hourly rate of \$325.00 per hour for attorney time and \$90.00 per hour for law clerks and support staff.

5. The professional has been selected because the Law Offices of Steven D. Pertuz, LLC is competent in the area of bankruptcy practice.

6. The professional services to be rendered are as follows:

A. to advise the debtor of its rights and obligations under the Bankruptcy Code, and to represent the Debtor before this Court and other courts on matters relating to the Bankruptcy Case;

B. to enforce the restraining provisions of 11 U.S.C. §362;

C. to represent the Debtor in connection with motions for sale or lease, authorization to use cash collateral and other property pursuant to 11 U.S.C. §363;

D. to represent the Debtor in connection with motions to assume or reject executory contracts and unexpired leases;

E. to assist the Debtor determining the extent of its interests in property, to represent the Debtor in disputes over the extent, validity and priority of liens and other interests in such property, and to assist in the Debtor's efforts to recover property;

F. to represent the Debtor in motions and/or adversary proceeding for avoidance of liens and/or other transfers of property;

G. to negotiate with various parties to obtain financing, if necessary;

H. to assist in the Debtor's financial rehabilitation, to assist in the Debtor's development of and proposal of a plan(s) of reorganization or of orderly liquidation, and negotiate with creditors and other parties in interest in connection with such plans(s);

I. to advise the Debtor on other matters which may arise in the Bankruptcy Case requiring legal counseling or representation.

7. To the best of the applicant's knowledge, Steven D. Pertuz, Esq. has no connection with the Debtor, its creditors or any other party in interest, or with their respective

attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

8. To the best of the applicant's knowledge, the professional:
- ☒ does not hold an adverse interest to the estate.
 - ☒ does not represent an adverse interest to the estate.
 - ☒ is a disinterested person under §101(14).
 - ☒ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. §327(e).
 - ☒ the employment of such firm will be in the best interest of the estate.
9. No receiver or creditor's committee has been appointed herein.

WHEREFORE, the applicant respectfully requests authorization to employ the professional as of the petition date of October 6, 2022 to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may hereafter determine and allow.

Dated: October 13, 2022

/s/ Vivianne C. Antunes
Vivianne C. Antunes
Managing Member
BAV AUTO, L.L.C.
aka Costa's Auto Gallery

CERTIFICATION OF SERVICE AND OF COMPLIANCE WITH D.N.J. LBR 2014-1 (a)

I have complied with D.N.J. LBR 2014-1(a) by mailing a copy of this application to any of the following parties in the attached Certification of Service who did not receive electronic notice from the Court: the Debtor, secured and unsecured creditors and other parties in interest requesting notice.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 13, 2022

By: /s/ Steven D. Pertuz
STEVEN D. PERTUZ, ESQ.